



**ADVISORY
COUNCIL** for the
EDUCATION of
STUDENTS with
DISABILITIES

Annual Report
July 2009 – June 2010



Department of Education; _____ 2011; Publication Authorization No. 331____; _ copies. This public document was promulgated at a cost of \$ _._ per copy.

Introduction

According to state and federal guidelines this Advisory Council has responsibility annually to issue a report to the State Board of Education, the Governor and the State Legislature. Additionally, this report will be provided to the Tennessee Department of Education. The information contained in this report represents a period of a school year showing the progress made in programs for children with disabilities. It is the Advisory Council's intention to work with the Department of Education to ensure the provision of appropriate services for children with disabilities throughout the State of Tennessee. This is accomplished through...

- Reporting by the Department to the Council
- Council giving feedback to the Department
- Public input presented to the Council
- Experiences of council members, who represent consumers

Mission Statement

The mission of Tennessee's Advisory Council for the Education of Students with Disabilities is to ensure that all students with disabilities are provided with services and opportunities necessary to develop to their full potential.

Authority

Tennessee's Advisory Council for the Education of Students with Disabilities was established in 1972 and is required by Tennessee Code Annotated 49-10-105. This legislation states that the council "shall advise and consult with the Governor, the Commissioner of Education, the State Board of Education, and the Director of the Division of Special Education."

The Individuals with Disabilities Education Act (IDEA), § 1412(a) (21), requires that the state establish and maintain an advisory panel *for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state*. Regarding duties, the advisory panel shall:

- ❖ *Advise the Department of Education of unmet needs within the state in the education of students with disabilities;*
- ❖ *Comment publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;*
- ❖ *Advise the Department of Education in developing evaluations and reporting data to the U.S. Secretary under Section 618;*
- ❖ *Advise the Department of Education in developing corrective actions plans to address findings identified in federal monitoring reports under this part;*
- ❖ *Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and*
- ❖ *Advise the Department of Education in serving the needs of students with disabilities in adult prisons.*

PART ONE

COUNCIL GOALS AND DEPARTMENT ACTIVITIES

The following were goals established by the Advisory Council for July 2009 – June 2010. The activities described represent actions carried out by the Advisory Council for the Education of Students with Disabilities and the Division of Special Education (DSE) along with the Tennessee Department of Education (TDOE) related to the goals of the Council. Data reflecting the provision of special education and related services throughout the state is reported with associated council goals.

Council Goal 1: Promote improved student learning/progress.

Council Activities

The Tennessee Advisory Council monitors and advises the Division of Special Education to ensure the mission of the Council “that all students with disabilities are provided with services and opportunities necessary to develop to their full potential” is being met. The Council reviews the information submitted in the State Annual Performance report, the General Supervision Enhancement grant, the Adequately Progress report and the Office of Accountability report. The Council follows up on any concern presented during the public input time of the agenda. This year the Council requested the Assistant Commissioner of Accountability, Teaching and Learning attend a Council meeting to update the members on the new state standards and the effect on the academic progress and graduation rate of students with disabilities. The Council issues invitations to other Division of the Department of Education to update members on the activities of the Department of Education and to give the Council an opportunity for the input on how these initiatives effect students with disabilities.

Department Activities

State Performance Plan: FAPE in the LRE

Program information provided to the U.S. Office of Special Education Programs (OSEP) included special education and related services delivered and student progress in general curriculum participation as part of the Individualized Educational Plan (IEP) along with graduation and drop-out rates for students with disabilities as compared to their non-disabled peers. Performance results for children with disabilities on statewide academic achievement tests can be found at: <http://www.tennessee.gov/education/reportcard/index.shtml>.

Tennessee Race to the Top (RTTT) Award

Tennessee was one of just two states selected on Mar. 29, 2010, to receive millions of dollars for education in the first round of the federal government’s Race to the Top competition. The funds will allow Tennessee to implement a comprehensive set of school reform plans over the next four years. The \$4.35 billion Race to the Top Fund is an unprecedented federal investment designed to reward states leading the way in comprehensive, coherent, statewide education reform across four key areas:

- Adopting standards and assessments that prepare students to succeed in college and the workplace
- Building data systems that measure student growth and success, and inform teachers and principals how to improve instruction
- Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most
- Turning around their lowest-performing schools

More information regarding the progress of the First To The Top Initiative can be found at:
<http://tn.gov/firsttothetop/index.html>

Graduation Rates -

Tennessee's graduates have a choice of three (3) different exit documents. There is the high school diploma, the transitional certificate and the IEP certificate. The high school diploma is awarded to students who (1) earn the specified 22 units of credit.

The transitional certificate is awarded to students who have taken classes toward a high school diploma (22 units of credit) and who have satisfactorily complete and individualized program and have satisfactory records of attendance and conduct.

The IEP certificate is awarded to students with disabilities, who have satisfactorily completed an individualized education program, successfully completed a portfolio and who have satisfactory records of attendance and conduct.

The percent of students in special education exiting with a regular diploma is defined as the number of students receiving special education services who graduated with a regular diploma divided by the sum of students receiving special education services age 14 or older who left school with a regular diploma, with a certificate, after reaching maximum age or by dropping out.

A 1.5% yearly increase in the percent of students in special education exiting with a regular diploma was Tennessee's target. An increase was obtained in the 2009-2010 school year. The state's rate increased from 63.2% to 67.89%.

Table 1.1
Percentage of Students Who Graduated with a Regular Diploma
(Graduation Rate expressed as a percentage of students exiting)

	2006-2007	2007-2008	2008-2009	2009-2010
Percent of Students in Special Education Exiting with a Regular Diploma	55.4%	59.4%	63.2%	67.89%

Data Sources: Tennessee Report Card 2010; Tennessee's 2008, 2009, 2010 and 2011 OSEP DANS Table 4 – Report of Children with Disabilities Exiting Special Education and Tennessee's NCLB Accountability Workbook (June, 2007)

Drop-out Rates -

Year-to-year comparison of progress or slippage could not be determined as the rate this year was calculated differently than last year's rate. The measure used last year was a modified cohort drop-out rate calculation based on OSEP Table 4 students with disabilities exit data that cannot be compared to the annual event school drop-out rate used this year.

For 2006-07 through 2008-09 school years rates shown in the chart below, the percentage of students dropping out was determined by dividing the number of students with disabilities 14 years and older who dropped out by the number of students with disabilities 14 years and older who graduated with a diploma, received a certificate, reached the maximum age for services or dropped out.

For the 2009-10 rate shown below, OSEP required states to align their measure of drop-out rate for students with disabilities with the rate used for all students under the Elementary and Secondary Education Act (ESEA, formerly called No Child Left Behind). The ESEA drop-out rate reported in 2009-10 was an event rate, a calculation of the number of twelfth graders with

disabilities who dropped out during the school year divided by the number of twelfth graders with disabilities enrolled at the beginning of the school year.

“Drop-out” was defined as an individual who (1) was enrolled in school at some time during the previous school year; (2) was not enrolled at the beginning of the current school year; (3) has not graduated from high school or completed a state or system approved education program; and (4) does not meet any of the following exclusionary conditions: (i) transfer to another public school; school system private school, or state – or system-approved education program; (ii) temporary absence due to suspension or illness; or (iii) death.

	2006-2007	2007-2008	2008-2009	2009-2010
Percent of Youth with IEPs Dropping Out of High School	16.4%	16.9%	14.99%	3.32%

Data source documents: Tennessee’s 2007, 2008, and 2009 OSEP DANS Table 4 and 2010 Consolidated State Performance Report (CSPR).

Council Goal 2: Promote expanded access to and quality of services to eligible students with disabilities to better prepare them for transition into their future environments.

Council Activities

The Council monitors the activities of Part C through the reports of the Tennessee EASYIEP and the Tennessee Early Intervention Data System to ensure students are being served appropriately and in a timely manner. Council members are included in the annual Special Education preconference training for post-secondary transition. A report of the transition training and activities is presented annually to the Council.

Department Activities

Child Count 618 Exit Data –

Table 2.1
Child Count 618 Exit Data FFY 2008-2009

Total Number of Children exiting Part C at age 3 who were eligible for services under Part B

	2006-2007	2007-2008	2008-2009	2009-2010
Total # of children exiting Part C at age 3	2,185	2,349	2,333	2,390
Total # of children exiting Part C at age 3 who are eligible for Part B services	1,193	1264	1,231	1,281
Percentage of children who exited Part C at age 3 who were eligible for Part B services	55%	54%	53%	54%

Data Source: Federal 618 Child Count Table for Part C data collections

The Early Childhood Transition area has been monitored in past cycles in the areas of parent training for transition from Part C to Part B, 90 day transition meetings, and community service information provided to families of non-eligible children.

Through Part C/Section 619 Analyses: Tennessee has considered ways in which data may be analyzed to answer SPP preschool transition questions when the state electronic database development is completed. One such analysis would involve the identification of children from the Tennessee Early Intervention Data System (TEIDS, ages 0-3) who turned three and who will continue to be tracked in the TN EasyIEP (ages 3-21) statewide electronic database.

Progress has been made on developing a unique identifier that will be consistent from the entrance into Tennessee's Early Intervention System until completion of their school experience.

A unique identifier has been developed that will be consistent from the entrance into Tennessee's Early Intervention System until completion of their school experience.

Council Goal 3: Promote inclusive educational services that meet the needs of all students, regardless of their abilities, and promote a sense of belonging and mutual respect for all students while affirming each student's individuality.

Council Activities

To ensure inclusive educational services are provided in Tennessee, the Council studies the information provided by the system-wide monitoring, parent surveys, data from the EASYIEP program and the State Annual Performance Report, Indicator 5. The Council created a subcommittee to research the concept of changing the State terminology of the use of "Mental Retardation" to "Intellectual Disabilities". The Council voted to endorse this change. The Council requested updates from the Assistant Commissioner on the impact the "First to the Top" program has on students with disabilities.

Department Activities

Early Childhood (aged 3 through 5) in settings with typically developing peers

NOTE: Changes continue to be made for the reporting of preschool settings information (for ages 3 through 5) at the federal level to be more consistent with LRE data reported for children ages 6 through 21. *Therefore this area was not required to be reported on for the 2007-2008, 2008-2009 and 2009-2010 school years.*

Children with IEPs (aged 6 through 21) educated with non-disabled peers to the maximum extent appropriate

A. Removed from regular class less than 21% of the day:

Children removed from regular class less than 21% of the day 80%	Total number of children with disabilities	Percentage
65,903	105,729	62.33%

B. Removed from regular class greater than 60% of the day

Children removed from regular class greater than 60% of the day	Total Number of Children with Disabilities	Percentage
13,364	105,729	12.64%

C. Children served in separate programs

Children in Separate Programs*	Total # of Children with Disabilities	Percentage
1,845	105,729	1.75%

*Combined Separate Facilities includes separate public/private schools, public/private residential and homebound/hospital.

Source: Data from Table 3 of the December 1, 2009 Federal Census Report. Percent of children with IEPs age 6 - 21.

The data for the 2009-2010 school year was obtained from Table 3 of the December 1, 2009 Federal Census Report. Data reflect that 62.33% of children with IEPs were removed from Regular Class less than 21% of the day in comparison to 59.15% last school year. The state target of 55% has been met and exceeded. Data also reflects that 12.64% of children with IEPs are removed from Regular Class greater than 60% of the day in comparison to 13.24% last school year. The state target of 13% has been met. Children served in combined separate programs, which includes separate public/private schools, public/private residential schools and homebound/hospital placements comprise 1.75% of children served. This is less than the 3.71% national average which reflects that this target was met as well.

For 2009-10 all 136 school districts are using the statewide special education data system for reporting student level data. This consistency of data reporting provides for a high level of data accuracy as these student level data come directly from the IEP information. TN continues to meet the state targets relative to this indicator. Districts in the state generally provide a continuum of placements based on the least restrictive environment.

Council Goal 4: Promote increased quality and quantity of personnel serving eligible children and youth with disabilities.

Council Activities

Recruiting and retaining quality special education teachers is still a major goal and concern of the Council. The Division provides annually the status of the activities to meet this goal. Information is provided through each school system's Comprehensive Plan, the State's Preliminary Report from the school districts and reports from the Office of Licensing and Certification. The Council continues to track the status of speech language therapists in the state and the initiatives to meet this need.

Department Activities

Personnel Employed and Needed to Provide Special Education and Related Services for Children and Youth with Disabilities - School systems annually provide the number of personnel, including administrators, teachers, related services providers, paraprofessionals, and other providers, employed to meet the identified educational needs of all children with disabilities in the State ages 3-21.

Table 4.1

	School Year 2006-07*	School Year 2007-08	School Year 2008-09	School Year 2009-10
Teachers – Ages 3-5	709	488	502	514
– Ages 6-21	6,070	6,494	7,280	7,087
Paraprofessionals	6,333	7,752	7,975	8,201
Related Service Providers	1,871	2,280	2,350	2,364
Total	14, 983	17,014	18,107	18,166

Data Source: Report for Comprehensive Plan for Providing Special Education Services (OSEP Table 2)

*Some teachers in the “Teachers-ages 6-21” range were counted in the “Teachers-ages 3-5” range because they serve at least one student in the 3-5 age range during this school year.

Table 4.2
Teachers without proper licensing

	School Year 2006-07	School Year 2007-08	School Year 2008-09	School Year 2009-10
Waivers	101	116	95	104
Permits	98	87	73	114
Alternative & Interim Licensures	231	354	627	501

Waiver of Employment Standards – Permission granted to a local school system to employ one who holds a valid teaching license but does not have the appropriate endorsement. A waiver may be granted when the school system is unable to obtain the services of a qualified teacher for the type and kind of school in which the vacancy exists.

Permit to Teach – Permission granted to a local school system to employ one who does not hold a valid teaching license when the system is unable to obtain services of a qualified teacher for the type and kind of school in which the vacancy exists.

Alternative and Interim Licensures – Alternative A, C & E and Interim B Licenses are obtained through the TDOE upon meeting all applicable requirements.

Council Goal 5: Promote adequate special education funding and improving procedures for allocation of funds.

Council Activities

The Council received a report on the distribution of federal and state funds, special grants and the local education agencies' departments of special education use of stimulus money. The Assistant Commissioner reported on the activities of the First to the Top award and how the funds will affect programs and services for students with disabilities.

Department Activities

There has been concern that the current state funding formula may provide financial incentive for more restrictive placements and programming (*Tennessee IDEA Continuous Improvement Plan, July 2002, Area of Concern XVII.A*). For the more restrictive placements, more funding is available; **however**, LEAs must contribute additional local funds. Therefore, it is not an incentive to place children in more restrictive settings for the purpose of additional funding.

Table 5.1
Federal Funds Available for the Education of
Students with Disabilities

PROGRAM Source of Funds: Federal	2006-2007	2007-2008	2008-2009	2009-2010	2009-10 ARRA
Individuals with Disabilities Education Act, Part B Grant Funds	\$214,982,394	\$218,638,925	\$221,641,759	\$235,422,260	229,613,418
Individuals with Disabilities Education Act, Preschool Grant Funds	\$6,889,673	\$6,889,672	\$6,775,233	\$7,952,277	7,345,943

Data Source: U.S. Department of Education Grant Award Notification Letter

State Funds (BEP) – State educational funds are distributed under the provisions of the 1992 Education Improvement Act. LEAs are granted flexibility in the use of these funds and no specific dollar amount is earmarked for any program or activity.

Federal Funds – Federal IDEA allocations are based on the amount that each State received from FFY 1999 funds for IDEA, Part B funds. (Federal allocations for IDEA, Preschool funds are based on the amount that each State received from FFY 1997 funds.) The general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Council Goal 6: Promote improved state and local information management related to special education.

Council Activities

The Council is pleased with the progress of the implementation of the EASYIEP and the accuracy of the data that is available to the Division. The Council was informed of the change in the format of some of the data that is reported to the federal government and the need for the reports to be submitted by the required timeline.

Department Activities

State procedures and practices for ensuring collection and reporting of accurate and timely data -
The Statewide Student Management System (SSMS) pilot phase began implementation during the 2004-2005 school year. The final phase of SSMS was completed during the 2007-2008 school year. SSMS included a complete Student Information System (SIS) for all students and an integrated special education module, EasyIEP. Having one integrated system allows for a single point of entry for student enrollment data which is then shared to EasyIEP. This data sharing process is efficient for school district personnel and improves the quality of student data by preventing duplication of enrollment information.

The Department provides LEAs with direct, intensive and on-going technical assistance regarding writing students' Individualized Education Plans (IEPs) and data collection for state and federal reports. School districts implementing EasyIEP or EasyCensus generate most of their state and federal special education data reports using the internet-based system. EasyIEP/EasyCensus

ensures data accuracy by providing extensive data validation checks as data are entered during the IEP writing process. The current long range plan is that the Department will continue working with the EasyIEP vendor, Public Consulting Group, Inc., to provide the special education data system to LEAs for the next 4 years. However, due to budget constraints, the provision of the enrollment system for all students, with and without disabilities, is no longer going to be provided as a direct service from the Department to LEAs. Instead, LEAs will be given the opportunity to purchase the SIS package, Star Student, through a statewide general contract purchase process.

The Tennessee Early Intervention Data System (TEIDS) is the comprehensive data system for the provision of IDEA Part C services (for children ages birth to three). TEIDS includes an Individualized Family Service Plan (IFSP) writing tool; state and federal data collection and reporting; service logging and billing for eligible infants and toddlers. The data management team for the Division is currently working together to link TEIDS with EasyIEP/EasyCensus to create a birth through age twenty-two data system for service provision to infants, toddlers, children and young adults with disabilities in Tennessee.

Council Goal 7: Promote enhanced communication among community, educators and stakeholders on special education services and policies.

Council Activities

The Council began to broadcast the quarterly meetings via the internet in July 2009. The intent of this initiative is to provide the opportunity for the public to give input without having to travel to Nashville and as a means to make the activities of the Council more accessible to the public. Information on how to access the meetings was distributed to local education agencies, advocacy groups, special education supervisors and the notice was posted on the Tennessee Department of Education/ Division of Special Education website. The Council commends the Division for the resources available on the website. The Council supports the collaboration with the Leaders in Education Networking for Kids (L.I.N.K.) that promotes parent education in special education and advocacy for their children.

Department Activities

The provision of a free appropriate public education to children with disabilities is facilitated through parent involvement in special education services.

Parent surveys:

During FFY07 school year, the Parent Involvement Survey was sent to all parents of students with disabilities ages 3 through 21 in the 30 LEAs monitored that year by the Division of Special Education. (All LEAs are selected for monitoring over a 4-year cycle by a means described in the 2005-2010 SPP, indicator # 8.) The State's three largest LEAs complete this survey annually. In FFY07 40,139 were distributed by the selected LEAs to parents. In almost all cases surveys were mailed. There were 11,334 surveys returned with some usable data for a response rate of 28.2% (11,334 /40,139).

The surveys were administered locally and entered at each district. Summary data were sent to TDOE for analysis. Parents had the option of not completing any question. Item one on the survey queried parents regarding schools facilitation of parent involvement. Of the 10,630 parents responding to item one, 10,311 (97%) agreed with the item (10,311/10,630).

Aggregate respondent data from LEAs were summed and found to have respondent representation from: a) five of six locale types, b) three grand divisions of the state, c) poverty level average of approximately 18%, and d) the three major ethnic groups in the state. The state considers 97% agreement to be a clear indication that schools are involving parents as a means of improving services and results for children with disabilities.

Further analysis across all items showed that the percent agreement across all items answered was 93.47%. That is, 236,106 of the parent responses across all items answered (252,603) were in agreement.

Complaints:

Parental Complaint data continues to be analyzed for trends and increasingly used as a data source for assessing LEA training needs. Complaint logs now contain fields specifically for concerns about Parent Training/ Access to Information. The complaint resolution process is now requiring more specific corrective action plans. The technical assistance offered in that resolution more frequently recommends parent and staff training activities. A new LEA technical assistance manual on Parent Complaints was distributed spring of 2004.

Collaboration

Collaborates with and provides support for Leaders in Education Networking for Kids (L.I.N.K.) whose goals include: training parents of students with disabilities on the special education process and to advocate for their own children's education.

Council Goal 8: Encourage implementation of school-wide positive behavior supports.

Council Activities

The Council supports the Division of Special Education's adoption of the School-wide Positive Behavior Intervention and Supports framework for the improvement of academic and behavior skills for students with disabilities. The principles of this training promotes the opportunity of inclusion of students with disabilities. The Council follows the implementation of the project through reports from representatives from the Division.

Department Activities

Five (5) universities, under contracts with the TN Department of Education, have provided statewide service to schools in the area of Positive Behavior Supports, reaching a wide variety of students with disabilities. Each project location has done multiple training sessions for teachers, and have each project has provided technical assistance for from three to thirty-one schools within their regions during 2007-2008.

Most focus on providing schools with the training and knowledge to form teams within the school that prevent misbehavior and teach appropriate behavior, and provide students with positive support when improvement occurs. This necessitates total buy-in of the PBS concept by administrators, staff, and parents of students. Workshops and satellite broadcasts that deal with Positive Behavior Supports are routinely scheduled throughout the year.

Data, an integral part of the projects, is being collected to examine the relationship among the adherence to PBS principles and suspension rates and academic gains in Tennessee schools. All five universities have presented at various state and national conferences dealing with Positive Behavior Supports.

PART TWO
STATISTICAL INFORMATION

NUMBER OF STUDENTS WITH A DISABILITY

Both of the following two tables contain data on the number of children with disabilities served by the local school systems. The first table shows a total number of students receiving special education services as of the end of the school year (by rank) with comparisons of the past four school years. Since it is a cumulative count, a student could possibly be counted more than once if they received services in more than one district during the course of the school year.

	School Year 2006-2007	School Year 2007-2008	School Year 2008-2009	School Year 2009-2010
Specific Learning Disability	47,410	43,576	49,256	51,681
Speech or Language Impairment	34,304	31,111	35,352	33,943
Intellectually Gifted	17,064	16,883	17,989	20, 831
Other Health Impairment	12,481	11,643	13,017	14,636
Intellectual Disability (formerly "Mental Retardation")	10,407	9,789	9,018	8,685
Developmental Delay	7,072	7,212	8,121	4,798
Other (Functionally Delayed)	4,948	4,535	5,135	5,479
Emotional Disturbance	4,068	3,791	4,563	4,451
Autism	3,744	4,014	6,257	5,368
Multiple Disabilities	1,938	1,929	2,258	2,163
Hearing Impairment	1,224	1,233	1,365	1,186
Orthopedic/Physical Impairment	949	943	921	800
Visual Impairment	581	596	629	600
Traumatic Brain Injury	307	301	355	331
Blind	161	160	190	174
Deafness	151	155	179	300
Deaf-Blindness	3	3	9	10
TOTAL	146,812	137,874*	154,614	155,436

*The implementation of EasyIEP® was not complete in all districts at the time of reporting for the 2007-08 School Year; therefore, a different data source was used which gave a "snapshot" count.

Data Source: School Years 2006-07, 2008-09 & 2009-10: State End of the Year Frequency Count Report. School Year 2007-08: October Report for Chancery Court in the Case of Val Rainey vs. the Tennessee Department of Education.

This table shows a “snapshot” count of students (ages 3-21+) receiving services as of December 1st. This data does not contain duplications; however, since it is used in a federal report, it does not include the state-defined disability categories of Intellectually Gifted or Functionally Delayed.

	School Year 2006-2007	School Year 2007-2008	School Year 2008-2009	School Year 2009-2010
Specific Learning Disability	45,878	45,171	43,583	43,184
Speech or Language Impairment	32,937	33,897	33,584	33,802
Other Health Impairment	11,868	12,154	11,947	12,327
Intellectual Disability (formerly “Mental Retardation”)	10,167	9,328	8,373	7,927
Developmental Delay	6,781	7,060	7,139	7,391
Emotional Disturbance	3,833	3,702	3,609	3,446
Autism	3,362	4,019	4,595	5,419
Multiple Disabilities	1,947	2,098	2,167	2,197
Hearing Impairment	1,500	1,507	1,537	1,533
Orthopedic/Physical Impairment	952	894	864	818
Visual Impairment	746	783	746	744
Traumatic Brain Injury	289	309	277	305
Deaf-Blindness	3	3	4	9
TOTAL	120,263	120,925	118,425	119,102

Data Source: Annual federal December 1 Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act as Amended.

**STATUS OF SERVICE FOR
STUDENTS WITH DISABILITIES
October 2007, 2008, 2009 & 2010
(Reported to State Chancery Court)**

CHILDREN WITH DISABILITIES	2007	2008	2009	2010
Receiving Appropriate Services				
Receiving full special education/support services	118,302	118,255	118,450	118,523
Enrolled in private program at choice of parent and at parent's expense, with special education services provided by LEA	642	739	803	831
Receiving Less Than Appropriate Services				
Receiving some special education, but less than recommended service	9	10	8	6
Enrolled in school, recommended for special education but not receiving any special education services	117	108	109	98
Not enrolled in any educational program	121	116	123	112
Children Suspected to Have Disabilities				
Referred but not evaluated on October 1	3,687	3701	3,752	3,765
Evaluated but not yet determined eligible/not eligible on October 1	1,791	1822	1,844	1,817

Note: These numbers are as of October 1, 2009 through 2010 and will not be the same as the End-of-Year figures.
Data Source: October Report for Chancery Court in the Case of Val Rainey vs. the Tennessee Department of Education.

PART THREE
MEETING MINUTES

Advisory Council for the Education of Students with Disabilities
Approved Minutes

July 20, 2009
1256 Foster Avenue
TPS Campus, Hardison Hall
Nashville, Tennessee 37243

Members of the Council in Attendance

David Blier	Christine Lloyd-Burkes
Paula Brownyard, Chair	Beulah C. Oldham
Samuel Cole	Fran Powers
Chip Fair	Sebrena St. John
Jeff Finney	Cindy Storey
Winnie Forrester	Shannon Taylor
Janelle Glover	Darlene Walden
Pam Hudson	Myles Wilson
Mary Donnet Johnson	

Members of the Council Not in Attendance

Dawn Bradley	Catherine Knowles
Pamela Burns	Sharmila Patel
Kyle Hauth	Jim Topp
Cynthia Higginbotham, Vice-Chair	Tonya Watson

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Joseph Fisher, TDE/DSE
Jessica Harbison, TDE/DSE
Nan McKerley, TDE/DSE
Ann Sanders-Eakes, TDE/DSE
Branson Townsend, TDE/Division of Accountability, Teaching & Learning
Mary Jane Ware, TN Department of Human Services/Division of Rehabilitation Services
Bill Wilson, TDE/DSE

Visitors in Attendance

Carrie Hobbs Guiden, The Arc of Tennessee
Treva Maitland, The Arc of Tennessee
holly lu conant rees, Disability Coalition on Education
Loria Richardson, The Arc of Tennessee
Patricia Valladares, STEP, Inc.
Susie Wilkins, Vol. TN Board / Williamson County Schools

Welcome

Paula Brownyard, Chair, welcomed everyone to the meeting and then called the meeting to order. She proceeded to lead the Council members and guests in the Pledge of Allegiance.

Acceptance of Agenda

The Council voted in favor of accepting the agenda.

Approval of Minutes from April 20, 2009 Meeting

The Council voted in favor of accepting the minutes.

Report from Chair

- * Regional meeting sites –Paula asked David Blier to inform the Council of the options available to allow interested parties in more remote locations to participate in Council meetings. The main purpose of this effort is to encourage an increase in public input. After discussing all options, the Council voted in favor of broadcasting meetings via the web beginning with the July 2009 meeting and continuing for one year as a pilot period. Information on how to access the meetings online will be distributed through local education agencies (LEAs), advocacy groups and posted on Advisory Council webpage on the TDE/DSE website as soon as it is available.
- * Special Education staff changes – Sheryn Ordway, Karen Willis and Gayle Feltner have joined the Office of Data Management Services. Veronica McDonald has filled the position of Director of Program Improvement. Ann Sanders-Eakes has also been named Director of Compliance Monitoring.
- * Pam Hudson recently retired from the Hamilton County Board of Education, and thereby resigned her position on the Council. On behalf of herself and the other Council members, Paula presented Pam with a Certificate of Appreciation for her work over the last few years. Pam's resignation left a vacancy on the New Goals Subcommittee, which Mary Donnet Johnson volunteered to fill.

Public Input

No one was present to address the Council at this meeting.

Approval of 2007-2008 Annual Report

The 2007-2008 Report was approved as presented, with a request that, in the future, any changes made to the report be tracked for easier reference.

IDEA Eligibility Determinations for Children with Down Syndrome

Joseph Fisher was introduced to present and discuss a clarification memo that was issued on June 3, 2009 regarding eligibility determinations for children with Down Syndrome, which states that students with Down Syndrome should undergo a comprehensive assessment which would include IQ/cognition and adaptive behavior. When the results indicate that a child meets the criteria for Mental Retardation then Mental Retardation should be considered the primary disability because cognition and adaptive life skills

would be the most impacting factor in the child's education. At times a child with Down Syndrome will meet criteria for other disabilities. These should be considered as secondary disabilities and the focus should remain on what is most impacting on the child's education, which is typically cognitive abilities and adaptive life skills. Winnie Forrester pointed out that classifications like Mental Retardation can restrict program options, whereas, for instance, Developmental Delay gives more flexibility. Mr. Fisher reassured her that parents are welcome, and encouraged, to give input and make requests they feel are appropriate during the IEP team meeting. Ann Sanders-Eakes added that there is always a range of appropriate services for each disability category and services rely on the team's decision.

New Compliance Manual

The floor was given to Ann Sanders-Eakes to talk about changes to the Special Education Compliance Manual. The Office of Compliance Monitoring looks for noncompliance at the district and student levels. The most significant change to the manual will be how instances of noncompliance are tracked and corrections are verified. The Office of Compliance Monitoring is also moving to better align with the TDE/DSE fiscal monitoring. The revised Compliance Manual will be published and made available on the TDE/DSE website in August, with orientations conducted in September.

Graduation Rates and New Requirements

Connie Smith, Assistant Commissioner of Accountability, Teaching & Learning, was unable to attend today's meeting due to a scheduling conflict. Branson Townsend, Executive Director of Secondary Education, stood in her stead. Mr. Townsend informed the Council of parent training and orientation being provided through collaboration between the TDE/DSE and other divisions, which can be accessed online via the TDE website. Anyone interested can go to <http://www.tennessee.gov/education/index.shtml>, click on the "TN Electronic Learning Center" link and then choose the "2009 High School Policy" for a Powerpoint presentation and answers to frequently asked questions. Dr. Smith will also make every attempt to attend the October meeting to address any remaining questions.

Other New Business

- * The proposed amendment to the Council by-laws which would change the election of Chair and Vice-Chair from every year to every two years has been withdrawn by Jim Topp via email. Upon further investigation, T.C.A. provides that elections must be made annually; therefore, any changes to this schedule must be made by the state legislature.
- * The Council set a tentative meeting schedule as follows:
 - October 26, 2009
 - January 11, 2010
 - April 19, 2010
 - July 2010 TBD

The meeting was then adjourned.

**Advisory Council for the Education of Students with Disabilities
Approved Minutes**

**October 26, 2009
710 James Robertson Parkway
Andrew Johnson Tower
Nashville, Tennessee 37243**

Members of the Council in Attendance

David Blier	Christine Lloyd-Burkes
Dawn Bradley	Beulah C. Oldham
Paula Brownyard, Chair	Sharmila Patel
Samuel Cole	Fran Powers
Winnie Forrester	Sebrena St. John
Kyle Hauth	Shannon Taylor
Cynthia Higginbotham, Vice-Chair	Jim Topp
Mary Donnet Johnson	Darlene Walden
Catherine Knowles	Myles Wilson

Members of the Council Not in Attendance

Pamela Burns	Janelle Glover
Chip Fair	Cindy Storey
Jeff Finney	Tonya Watson

State Employees in Attendance

Sandra Albright, TN Department of Education/Division of Special Education (TDE/DSE)
Bob Blair, TDE/DSE
Joseph Fisher, TDE/DSE
Jessica Harbison, TDE/DSE
Melanie Hatcher, TDE/DSE
Nathan Jackson, TDE/DSE
Jamie Kilpatrick, TDE/DSE
Veronica McDonald, TDE/DSE
Nan McKerley, TDE/DSE
Evans Murray, TN Office of Information Resources
Melanie Patton, TDE/DSE
Ann Sanders-Eakes, TDE/DSE
Connie Smith, TDE/Division of Accountability, Teaching & Learning (TDE/ATL)
Steve Sparks, TDE/DSE
Branson Townsend, TDE/ATL
Mary Jane Ware, TN Department of Human Services/Division of Rehabilitation Services
Karen Willis, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Elizabeth Fields, TN Education Association

Shirlene Harbert, TN Voices for Children

Rebecca Lovell, TN Voices for Children

Loria Richardson, The Arc of Tennessee

Ned Andrew Solomon, TN Council on Developmental Disabilities

Patricia Valladares, STEP, Inc.

Welcome

Paula Browyard, Chair, welcomed everyone to the meeting and then called the meeting to order. She proceeded to lead the Council members and guests in the Pledge of Allegiance.

Acceptance of Agenda

Before the Council members conducted the vote to accept the agenda, Paula informed the room that Assistant Commissioner Connie Smith, who was scheduled to present on Graduation Rates and New Requirements, was in a press conference and that she would join the meeting as her schedule permitted. Leaving flexibility in the agenda, the Council voted in favor of accepting the agenda as presented.

Approval of Minutes from July 20, 2009 Meeting

After some discussion, it was decided by the Council that there needed to be more clarification to the portion of the minutes which talked about a memo on IDEA Eligibility Determinations for Children with Downs Syndrome dated June 3, 2009. Joseph Fisher took this opportunity to introduce Melanie Patton from the audience. She is the newly appointed Assessment Consultant for the TDE/DSE. Hearing no other changes, the minutes were approved with corrections.

Report from Chair

- Paula first welcomed back Dr. Jim Topp, who had to miss the last few meetings due to health concerns. She, and the rest of the Council, wished him a steady recovery.
- Paula also welcomed Evans Murray, who will be running the audio/visual equipment in order to broadcast the Council meetings via the internet. The Council intends to use this as a means of making the meetings more accessible to the public and hopes it will encourage more input. Since travel is a consideration for members, the meetings will continue to be held in Nashville; however, those interested in viewing and/or participating remotely can visit the Advisory Council page of the TDE/DSE website. (<http://www.tennessee.gov/education/speced/advisory.shtml>) An email address has also been set up for questions during or after each meeting. (sped.council@tn.gov) Baring any complications during this meeting, an announcement will be sent out to local education agencies (LEAs), parents and advocacy groups.
- As is customary at each meeting, but especially for the benefit of anyone watching remotely, Paula asked the Council members to go around the table and introduce themselves.

Public Input

No one was present to address the Council at this meeting.

New Council Goals

Sebrena St. John was introduced to present the recommendations of the New Goals Subcommittee. There were not many changes made to the previous goals. Goals #1 and #3 were combined and new Goal #3 was written for this school year. Paula suggested assigning a goal to each member to help ensure and monitor the progress being made in each goal area. A vote passed to accept the goals as presented. The new goals can be found on the Council page of the TDE/DSE website.

(<http://www.tennessee.gov/education/speced/advisory.shtml>)

Annual Performance Report

Since Connie Smith was still unavailable, the floor was turned over to Steve Sparks for the introduction of the State's 2008-2009 Annual Performance Report (APR). The information being presented today is only a draft of the APR, which will be finalized and sent to the U.S. Department of Education (USDOE) on February 1, 2010. Half of the Indicator areas (5, 7, 9, 10, 11 & 12) will be reviewed by the Council today and, after more data has been collected, the rest (1, 2, 3, 4, 13, 15, 16-19 & 20) will be covered at the meeting on January 11, 2010. Once submitted to the USDOE, the information in this year's APR will be available to the public on the TDE/DSE website.

(http://www.tennessee.gov/education/speced/data_reports.shtml) Previous APRs can already be found on the website.

Graduation Rates and New Requirements

Connie Smith was able to join the meeting after having left a press conference which announced the tentative release date for the State Report Card. She mentioned that a new way of reporting was used this year, one recalibrated with the new standards of achievement and value added that will go into effect this school year. This created a new baseline and means that only a one year comparison is possible. As expected, the State received more C's and D's this year but will hopefully be able to make honest and noticeable improvements next year.

She went on to discuss in further detail the new assessments which are driven by the new standards and the effect on graduation rates. Since 2003, the State has held a trajectory goal of 90% graduation rate. This year that goal was changed to a National Governors Association (NGA) "cohort" calculated graduation rate over four (4) years and one summer equaling the number of students graduating divided by the number of freshman enrolled four (4) years earlier (with the exceptions for transfers and other similar circumstances). Dr. Smith informed everyone that there has been a lengthy debate with the USDOE and the State legislators regarding the impact that Special Education students and GED graduates have on these calculations. She also mentioned some discussion advocating an "equivalent diploma" in-line with statewide standards; however no decision had been made as of this meeting.

Elections of Chair and Vice-Chair

Joseph Fisher opened the floor to nominations for Chair and Dr. Topp nominated Paula Brownyard to serve for another year. No other nominations were made and a vote carried to elect Paula as Chair. Mr. Fisher then opened the floor to nominations for Vice-Chair and Samuel Cole nominated Cynthia Higginbotham to continue to serve. No other nominations were made and a vote carried to elect Cynthia to another term.

Other New Business

- * David Blier gave an update on the transmission of the meeting. One suggestion was made via email to have materials be made available online. The TDE/DSE staff will make attempts to provide these during future meetings. David noted that statistics and polls can also be developed as needed.
- * The Annual Special Education Conference has been scheduled for February 24-26, 2010. Information for anyone wanting to attend, or even present, can be found on the TDE/DSE website.
(<http://www.tennessee.gov/education/speced/announcements.shtml>)
- * The Council for Exceptional Children (CEC) National Conference will be held in Nashville on April 20-24, 2010 thanks to a collaborative effort by the Department of Intellectual Disabilities and the TDE/DSE. Thousands from around the country will be in attendance.
- * Prompted by the Department of Mental Retardation changing its title to the Department of Intellectual Disabilities, Paula asked for thoughts on moving away from the use of "Mental Retardation." Bill Wilson explained that, although no changes can be made to the federal terminology, an amendment could be made by the State legislature to change State terminology. The Council discussed the possible impact this could have, i.e. from students' daily lives to data reporting. Joseph Fisher stated that the TDE/DSE would support any efforts made by the Council to present a proposal to the State legislators. Loria Richardson volunteered the Arc of Tennessee to sponsor and assist the Council with this project. A decision was tabled, however, until further information could be gathered. Winnie Forrester volunteered to Chair a Subcommittee to research trends in other states. She was joined by Samuel Cole and Sharmila Patel and they will present their findings at the January 11, 2010 meeting.
- * The Council set a tentative meeting schedule as follows:
 - January 11, 2010
 - April 19, 2010
 - July 19, 2010
 - October 2010 - date to be determined.

The meeting was then adjourned.

**Advisory Council for the Education of Students with Disabilities
Approved Minutes**

**January 11, 2010
1252 Foster Avenue
Hardison Building Auditorium
Nashville, Tennessee 37243**

Members of the Council in Attendance

David Blier	Cynthia Higginbotham, Vice-Chair
Dawn Bradley	Mary Donnet Johnson
Paula Brownyard, Chair	Catherine Knowles
Samuel Cole	Beulah C. Oldham
Chip Fair	Fran Powers
Jeff Finney	Sebrena St. John
Winnie Forrester	Jim Topp
Janelle Glover	Darlene Walden
Kyle Hauth	

Members of the Council Not in Attendance

Pamela Burns	Cindy Storey
Christine Lloyd-Burkes	Shannon Taylor
Sharmila Patel	Tonya Watson

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Linda Copas, TDE/DSE
Steve Dugger, TN Department of Children's Services
Gayle Feltner, TFE/DSE
Joseph Fisher, TDE/DSE
Larry Greer, TDE/DSE
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Nathan Jackson, TDE/DSE
Terry Long, TDE/DSE
Nan McKerley, TDE/DSE
Evans Murray, TN Office of Information Resources
Ann Sanders-Eakes, TDE/DSE
Steve Sparks, TDE/DSE
Terry Wallis, TDE/DSE
Mary Jane Ware, TN Department of Human Services/Division of Rehabilitation Services
Bill Wilson, TDE/DSE

Visitors in Attendance

Susan Dalton, TN Education Association (TEA)

Jackie Dowlen, Parent

Stanley Dowlen, Parent

Ned Solomon, TN Council on Developmental Disabilities

Patricia Valladares, STEP, Inc.

Welcome

Paula Browyard, Chair, welcomed everyone to the meeting and then called the meeting to order. She proceeded to lead the Council members and guests in the Pledge of Allegiance.

Acceptance of Agenda

The agenda was accepted as presented.

Report from Subcommittee on Moving Away From the Use of “Mental Retardation”

Winnie Forrester, Subcommittee Chair, was introduced to present findings and letter of recommendation to the Council. According to their research, “there has been a growing trend to replace the label of ‘mental retardation’ with ‘intellectual disability.’” In November 2009, a bipartisan senate bill was introduced called Rosa’s Law, which will replace the old terminology in federal health, education and labor laws. As of December 21st, Rosa’s Law has 15 cosponsors in the Senate and the support of more than 30 national organizations. In early 2010, the Arc will launch a campaign to get a companion bill introduced in the House of Representatives. With the understanding that the bill will likely become law in 2010, the Subcommittee urged that the Council make a recommendation to the Department of Education to adopt the name change immediately, to “act proactively now and join other states in support of our children with intellectual disabilities.” Other national groups and organizations that work with this particular community have already adopted the term “intellectual disability,” along with five state’s Department of Education. Local agencies, such as The Arc of Tennessee, the Division of Rehabilitation Services, Tennessee Disability Coalition, Tennessee Council on Developmental Disabilities and the Down Syndrome Association of Middle Tennessee, all “support and appreciate our initiative to replace the outdated language.”

The Council members discussed the possible impact this change would have in areas like data reporting. Joseph Fisher, Assistant Commissioner of the Division of Special Education, explained that local education agencies (LEAs) would adopt the new language when communicating with the State or another district within the state. It would be up to the TDE/DSE to substitute the old language when reporting data on the federal level until the federal language is changed.

Bill Wilson, Staff Attorney for the Division of Special Education, explained that Tennessee Code Annotated would need to be amended, followed by the State Board of Education Rules & Regulations. The first step would be to create a draft, then to find a House sponsor and a Senate sponsor to initiate and carry the bill. The timeframe of the process through the legislature would be “fairly quick,” possibly by July 1. The State

Board process takes longer, approximately 8-9 months. The change would take effect as soon as the statute is changed, however, and the State Board Rules would “catch up.”

Paula called for a motion. Chip Fair moved that the Council promote a change in the legislature. The vote carried. A letter will be finalized and emailed to the Council members. Beulah Oldham volunteered to contact her House Representative and Fran Powers will contact her Senator.

APR Indicators

Steve Sparks, Director of Professional Development for the TDE/DSE, handed out packets to the Members of the Advisory Council and the audience. James Topp requested that the materials be distributed to the Council members in advance of the meetings to allow time to review and familiarize themselves with the data. Terry Long briefly reviewed changes to the way some of the data has been collected and/or reported this year.

Indicator 1 Graduation – The State is transitioning from a specific special education exit collection to the use of the special education subgroup of the ESEA data. The ESEA graduation rate of 90% was not met and it could not be determined if the target increase of 1.5% occurred as the rate this year was calculated differently than last year’s making this rate a new baseline rate.

Indicator 2 Drop out – This area is also transitioning to the use of the special education subgroup of the ESEA data. The ESEA drop out rate of 10% was not met and it could not be determined if the targeted decrease of 1.5% occurred as the rate this year was calculated differently than last year’s making this rate a baseline rate.

Indicator 3 Statewide Assessment – Terry Wallis began by noting that we have “hit a threshold”; we are still gaining, however, not as quickly as before. a) Twenty-three of 45 school districts (51%) met the State’s AYP objectives, less than the 73% target. b) The participation rate for children with IEPs in statewide assessments for Reading/Language Arts and Mathematics was 99.3% overall. 99.2% participated in Reading and 99.4% in Mathematics (95% was the target for each). c) The percentage of children with IEPs scoring “proficient or above” against grade level standards and alternate achievement standards on statewide Reading Assessments was 78%, which missed the target of 79.4%. d) The percent of children with IEPs scoring “proficient or above” against grade level standards and alternate achievement standards on statewide Mathematics Assessments increased by .3% to 67.7%, which failed to meet the 68.6% target.

Approval of Minutes from October 26, 2009 Meeting

Realizing that this agenda item had been overlooked, Paula asked for any comments or questions regarding the minutes of the previous meeting before continuing to the next Indicator. Kyle Hauth and Catherine Knowles both noted that they had been incorrectly listed as “Not in Attendance.” Hearing no other comments, a vote was taken to accept the minutes with these corrections. The vote passed and, once corrected, the minutes will be posted on the TDE/DSE website.

APR Indicators (continued)

Indicator 4 Suspension & Expulsion – The number of LEAs identified with significant discrepancies decreased from 46 of 136 (34%) in 2006-2007 to 36 of 136 (24%) in 2007-2008. The State target (a 3.5% reduction) was met.

Indicator 13 Part B Transition – There were 94 findings of noncompliance related to this Indicator. All findings were corrected within one year of identification unless otherwise noted. Therefore, the target of 100% of youth aged 16 and above with an IEP will have coordinated, measurable annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals was met.

Indicator 15 General Supervision – The Department of Education has converted from a “systemic” method for reporting findings of noncompliance to a new method that will allow for reporting on a individual student basis. The current APR and possibly the next will continue to reflect reporting on the systemic basis. Correction of individual findings for 2009-2010 will be reported in 2010-2011. As of December 31, 2009, twenty-two districts have been monitored using the revised compliance monitoring procedures. In those districts, there have been 2203 findings of individual noncompliance and 264 findings of district-level noncompliance. Corrections will be verified for all findings of individual and district-level noncompliance and timeliness within 365 days or sooner is being documented by regional monitors.

Indicator 16 Administrative Complaints – 87 signed written complaints were received by the TDE/DSE and 54 reports were issued. Of the 54 reports issues, 44 were within the 60 day timeline and 10 were within extended timelines. 18 reports included findings of noncompliance, 9 complaints were pending at the end of the reporting period, 9 were complaints pending a due process hearing and 24 complaints were withdrawn or dismissed. The State met its target that 100% of signed written administrative complaints be resolved within the required timelines.

Indicator 17 Due Process Hearings – 49 due process hearing requests were received by the TDE/DSE. 2 due process hearing requests were fully adjudicated, 38 were resolved without a hearing and 9 were pending at the end of the reporting period. The State met its target that 100% of due process hearings have a written decision within the required timelines.

Indicator 18 Due Process Resolutions Sessions – 10 resolution sessions were conducted and 6 resulted in signed written agreements. This means that 60% of hearing requests that went to resolution sessions resulted in signed written agreements, which exceeded the 4% target.

Indicator 19 Mediations – 28 mediation requests were received by the TDE/DSE and 12 were not related to a due process hearing. Of the 12 that were not related to a request for a due process hearing, 10 resulted in agreements. Of the 6 mediations that were related to a request for a due process hearing, 5 resulted in agreements. 10

mediations were either pending or not conducted at the end of the reporting period. 83.3% of mediations reached an agreement within applicable timelines, which exceeded the target of 57.5%.

Indicator 20 Timelines & Accuracy of Data & Reports – The APR for 2008-2009 was submitted on the due date of February 2, 2009 as required. The standards set out for reporting state activities were met as required. The State will continue Improvement Activities, such as providing technical assistance to LEAs to ensure data accuracy.

The complete APR can be located at:

http://www.tennessee.gov/education/speced/data_reports.shtml

Other New Business

The Council set a tentative meeting schedule as follows:

- April 12, 2010
- July 19, 2010
- October 11, 2010
- January 10, 2011

Paula reminded everyone that the Annual Special Education Conference is taking place February 24-26, 2010 at the Airport Marriott Hotel in Nashville.

The Council for Exceptional Children will be holding their annual conference in Nashville this year on April 21-24, 2010. Anyone interested in attending can contact Steve Sparks at the TDE/DSE or visit <http://www.cec.sped.org/content/navigationmenu/professionaldevelopment/conventionexpo/>

Paula also thanked Evans Murray for working the audio/visual equipment.

The meeting was then adjourned.

**Advisory Council for the Education of Students with Disabilities
Approved Minutes**

**April 12, 2010
1252 Foster Avenue
Hardison Building Auditorium
Nashville, Tennessee 37243**

Members of the Council in Attendance

David Blier	Christine Lloyd-Burkes
Samuel Cole	Beulah C. Oldham
Janelle Glover	Sharmila Patel
Cynthia Higginbotham, Vice-Chair	Sebrena St. John
Mary Donnet Johnson	Shannon Taylor
Catherine Knowles	

Members of the Council Not in Attendance

Dawn Bradley	Kyle Hauth
Paula Brownyard, Chair	Fran Powers
Pamela Burns	Cindy Storey
Chip Fair	Jim Topp
Jeff Finney	Darlene Walden
Winnie Forrester	Tonya Watson

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Joseph Fisher, TDE/DSE
Jessica Harbison, TDE/DSE
Nan McKerley, TDE/DSE
Michael R. Williams, TDE/DSE
Bill Wilson, TDE/DSE
Robert Winstead, TDE/DSE

Visitors in Attendance

Susan Dalton, TN Education Association (TEA)
Diane D. Ianni, Lewis, King
Lynise Parisien, Parent and Educational Advocate for The Arc
Loria Richardson, The Arc of Tennessee

Welcome

Paula Browyard, Chair, was ill and unable to attend the meeting. Cynthia Higginbotham stepped in to the meeting. She called the meeting to order by first welcoming everyone and then lead the Council members and guests in the Pledge of Allegiance.

Acceptance of Agenda

There were not enough Council Members present to form a quorum; therefore, no votes were taken this meeting.

Approval of Minutes from January 12, 2009 Meeting

No vote was taken for the minutes.

Report from the Chair

Due to Paula's absence, there was nothing to report. There was some discussion regarding the recording of the meetings for the web. It was agreed that since there were not enough members present to vote, the meetings would continue to be recorded and the matter would be placed on the agenda for further discussion in October.

Public Input

There was no one present to address the Council.

2008-2009 Annual Report

Sebrena St. John volunteered to act as Chair for the Annual Report Subcommittee.

New Goals for 2010-2011

The New Goals Subcommittee suggested extending the current goals for another school year and have the Council members sign up to review a certain goal's progress, usage and to make suggestions regarding that area of interest in the future.

Other New Business

Joseph Fisher announced that the "Race To The Top" Award, which Tennessee received in the amount of 501 million dollars. Half of this money will go to local education agencies (LEAs) and the other half will be used by the TDE/DSE to increase BASE-TN and Special Education Institute funds. It is projected that these funds will help recruit and retain 3,023 special educators in Tennessee. The Governor's Office has started a task force to handle teacher evaluations, which will be conducted annually. The TDE/DSE has developed a tool and submitted it to this task force to assist with these evaluations. Susan Dalton added that the next Teacher Evaluation Committee meeting is scheduled for April 29, 2010 and will be held at TEA. The meeting is also open to the public.

Bill Wilson updated the Council about the State Board Agenda Items "F", "G" and "I" concerning matters of Special Education. State Board Item "F" will change "Mental Retardation" to "Intellectual Disability" within the Disability Eligibility Standards and Evaluation Procedures. Item "G" will change the language within the State Board of Education Rules and Regulations. Item "I" deals with IDEIA 2004 evaluations completed within 60 calendar days of a written request by the parent. Tennessee had a

rule in place which stated the LEA was allowed 40 school days; however, it was felt that the 60 calendar day rule, with 30 days to begin providing services, would be more appropriate and beneficial for students.

The Council set a tentative meeting schedule as follows:

- July 12, 2010 (Changed from July 19, 2010 due to scheduling conflicts.)
- October 11, 2010
- January 10, 2011
- April 11, 2011

The meeting was then adjourned.

ADVISORY COUNCIL MEMBERS

Paula Brownyard, Chair	Jackson
Cynthia Higginbotham, Vice-Chair	Knoxville
David Blier	Nashville
Dawn Bradley	Lebanon
Pam Burns	Nashville
Samuel Cole	Nashville
Chip Fair	Manchester
Jeff Finney	Elizabethton
Winnie Forrester	Nashville
Janelle Glover	Nashville
Kyle Hauth	Chattanooga
Pamela Hudson	Chattanooga
Mary Donnet Johnson	Knoxville
Catherine Knowles	Nashville
Christene Lloyd-Burkes	Memphis
Beulah Oldham	Clarksville
Sharmila Patel	Nashville
Fran Powers	Clarksville
Sebrena St. John	Limestone
Cynthia Storey	Chattanooga
Shannon Taylor	Lexington
James Topp	Collierville
Darlene Walden	Denmark
Tonya Watson	Memphis
Myles Wilson	Somerville

State of Tennessee
Phil Bredesen, Governor

Department of Education
Timothy K. Webb, Commissioner

Division of Special Education
Joseph E. Fisher, Assistant Commissioner

Advisory Council for the Education of Students with Disabilities
Paula Brownyard, Chair

Division Assistance to Council
Nan McKerley